

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DECISION AND ORDER

17-CR-199-A

TYWON STEPHENSON,

Defendant.

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 24, 2020, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 122) that recommends that defendant Stephenson's motions to suppress statements, seized physical evidence, and an identification be denied. Dkt. Nos. 87 and 106. The defendant filed objections to the recommendations (Dkt. No. 126) and the United States responded (Dkt. No. 131).

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of a report and recommendation to which objections have been made. After reviewing the objections, the Court deemed them submitted without oral argument. Upon *de novo* review it is hereby

ORDERED that the motions to suppress statements and seized physical evidence and an identification (Dkt. Nos. 87 and 106) are denied for the reasons stated in the Report, Recommendation and Order (Dkt. No. 122). The Court has carefully

considered defendant Stephenson's objections, and finds them to be without merit, and it is further

ORDERED that counsel for the parties shall confer and shall file a motion on or before May 6, 2020, requesting either that the Court set a date for trial or grant a brief adjournment for the parties to exhaust any change-of-plea negotiations. If moving for a trial date, the parties should advise the Court approximately how long the trial is expected to last, about any substantial motions *in limine* that a party believes should be resolved in advance of the trial, and whether there are any impediments to the testimony of crucial witnesses. If seeking an adjournment, the parties shall provide the Court with enough facts to permit the Court to assess whether the interests of justice warrant a Speedy Trial Act exclusion of time under 18 U.S.C. § 3161(h)(7)(A) and shall provide the Court with their views on whether Speedy Trial Act time should be excluded.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 4, 2020